



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

APR 16 2001

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article Number: 7006-2760-0000-8644-8927

Mr. Ken Mertl  
District Manager  
Pheasant Point Landfill  
13505 N. 216<sup>th</sup> Street  
Bennington, Nebraska 68007

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for  
the Pheasant Point Landfill, Bennington, Nebraska

Dear Mr. Mertl:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the Pheasant Point Landfill in Bennington, Nebraska. Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), EPA has completed an initial assessment of Pheasant Point Landfill, and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).


On September 22, 1993, EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

EPA corresponded with the Nebraska Department of Environmental Quality (NDEQ) to determine Pheasant Point Landfill's compliance with applicable environmental standards. The results of the correspondence indicate that Pheasant Point Landfill is currently in compliance with applicable environmental standards. Therefore, effective upon receipt of this letter, Pheasant Point Landfill is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, EPA reserves the right to revisit this decision.

By issuing this notice, EPA is in no way authorizing Pheasant Point Landfill to undertake any waste management practice at this facility for which Pheasant Point Landfill has not been previously authorized by EPA or NDEQ.

If you have any questions concerning this matter, please contact Deborah Bredehoft, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald Toensing', with a stylized flourish at the end.

Donald Toensing  
Branch Chief

Waste Enforcement and Materials Management Branch

cc: Mr. William Gidley, Supervisor  
Waste Management Section, Nebraska Department of Environmental Quality  
NDEQ, Omaha Regional Field Office